

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

LABELLE MALONE, )  
                          )  
Plaintiff,            )  
                          ) 1:07-cv-0101- SEB-JMS  
vs.                    )  
                          )  
CORA BALL,            )  
                          )  
Defendant.            )

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
REGARDING AFFIRMATIVE DEFENSE THAT PLAINTIFF FAILED TO EXHAUST  
ADMINISTRATIVE REMEDIES**

The Court has reviewed and considered the Magistrate Judge's Report and Recommendation (Docket No. 75) regarding the affirmative defense that Plaintiff failed to exhaust his administrative remedies before filing this action. No objections to the Report and Recommendation have been filed, and the time for filing such objections has expired.

The Court, having given de novo consideration to the issue presented pursuant to Title 28 U.S.C. § 636(b)(1)(B) and (C), and being duly advised in the premises, finds that the Magistrate Judge's Report and Recommendation is well reasoned and supported by the facts, as well as the law. Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation in full and incorporates it by reference herein.

Accordingly, Defendant's affirmative defense of failure to exhaust administrative remedies is DENIED.

IT IS SO ORDERED.

Date: 06/11/2009

  
SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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